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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,257

08/08/2005

Simon Powell

PBT.P0003

8740

7590

12/06/2006

Edward G Greive  
Renner Kenner Greive  
Bobak Taylor & Weber  
Fourth Floor First National Tower  
Akron, OH 44308-1456

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/511,257

Applicant(s)

POWELL, SIMON

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to applicant's preliminary amendment filed on October 9, 2004.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the actuator, as claimed in claim 2, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective

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action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. **Claims 1 and 4-7 are objected** to because of the following informalities:

- Claim 1 Line 2, change “comprising a means” to -comprising means-.
- Claim 1 Line 4, change “by movement in a direction transverse” to -by movement of the blocking means in a direction opposite- in order to establish which member is the one that moves in an opposite direction to the first direction.
- Claims 4 and 5, change “claim 1” to -claim 2- since claim 2 is the claim that gives proper antecedent of basis for the “actuator” limitation. Claim 1 does not provide antecedent of basis for the limitation “actuator”.
- Cancel claims 6 and 7 since, if the applicant makes the changes presented above to claims 4 and 5; then claims 6 and 7 would be duplicate claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. **Claims 1-7 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the blocking means will permit movement of the locking member in the first direction by moving the blocking means in a direction transverse to the first direction.

A direction transverse is one that is a direction that lies or extends crosswise or at right angle to another direction.

However, as seen in the drawings, direction "A" is not "transverse" to the first direction, i.e., moving the locking member 12 or 16 to the left.

Therefore, in order to continue with the examination, the limitation will be examined as a direction opposite to the first direction. Appropriate correction is required.

As to claims 4 and 5, the applicant recites the limitation "actuator". However, they claim dependency from claim 1, which does not present antecedent of basis for this limitation. Only claim 2 presents an appropriate antecedent of basis for the "actuator" limitation.

Therefore, in order to continue with the examination, the claims will be examined as being depending from claim 2 (see claim objection section above).

As to claims 6 and 7, the claims will not be examined since, if the examination will examine claims 4 and 5 depending from claim 2, then claims 6 and 7 would be duplicate claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1 is rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,681,070 to Williams et al (Williams).

Regarding claim 1, Williams discloses a latching mechanism comprising means (10) for blocking movement of the locking member in a first direction and permitting movement of the locking member in the first direction by movement of the blocking means in a direction opposite to the first direction; and a pawl (90) engageable with the blocking means. The pawl is electrically controllable in order to selectively control operation of the blocking means.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-5 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,681,070 to Williams et al (Williams).

As to claim 2, Williams discloses that the mechanism further comprises an electrical actuator (30,50) that is in contact with an index member (80) to electrically control the pawl.

However, Williams fails to disclose that the index member and the pawl member each are provided with a plurality of protrusions.

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Williams illustrates that the index member and the pawl member each is provided with only one protrusion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the index and pawl members described by Williams with more than one protrusion, since duplicating the components of a prior art device is a design consideration within the skill of the art.

As to claim 3, Williams's actuator is capable of being a piezoelectric actuator.

As to claim 4, Williams discloses that movement of the actuator causes alignment between protrusions of the pawl and protrusions of the index member, to enable the latching mechanism to be in a locked condition.

As to claim 5, Williams discloses that movement of the actuator causes misalignment of the protrusions of the pawl and the protrusions of the index member, to enable the latching mechanism to be in an unlocked condition.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Carlos Lugo  
Patent Examiner  
Art Unit 3676

December 4, 2006.